

**Action Steps for a Better Amherst**  
**To Promote Sustainable Development Practices**  
**at Atkins Corner and Throughout Amherst,**  
**Massachusetts**

Submitted by:  
**Joel S. Russell, Esq.**  
**Land Use Attorney & Planner**  
**P.O. Box 491**  
**Northampton, MA 01061**

And

**Dodson Associates**  
**Landscape Architects & Planners**  
**463 Main Street. Ashfield, MA 01330**

September 2002

**Funding provided by a U. S. EPA Livable**  
**Communities Grant to the Town of Amherst**

**Table of Contents**

- Introduction.....1
- Implementing the Atkins Corner Plan:  
Creating Village Zoning.....2
- Recommendations and  
Action Steps 1 -5..... 4 - 8

The Consultant Team wishes to gratefully acknowledge the active participation, support and many contributions of the following:

**Town of Amherst Planning Department:**  
Robert Mitchell AICP            Connie Kruger            Niels LaCour  
Planning Director                Senior Planner            Associate Planner

**Town of Amherst Planning Board**  
**Atkins Corner Country Farm Market**  
**Hampshire College**

**Members of the Atkins Corner Working Group:**  
Larry Archey                      John Fabel  
Harold Gould                      Robert Grose  
Pauline Lannon                   Caroline Olson  
Pamela Rooney

# **Action Steps for a Better Amherst:**

---

## **Recommendations to Promote Sustainable Development Practices at Atkins Corner and throughout Amherst, Massachusetts**

By Joel Russell

### **Introduction**

This report contains strategies, implementation steps, and suggested regulatory changes to promote sustainable development practices at Atkins Corner and throughout Amherst, Massachusetts. While it is specifically aimed at implementing the Atkins Corner Plan as presented in “A Workbook of Design Options for Sustainable Development: Atkins Corner Plan,” (the “Workbook”), the material is presented in a way that enables it to be applied to other areas in the Town.

#### *Purpose and Format of this Report*

The purpose of this report is to provide guidance to the Town on how the Atkins Corner plan, and similar plans that may be developed for other areas, can be implemented through changes in zoning bylaws and subdivision regulations, as well as through other kinds of actions. Not all of these actions are within the control of the Town of Amherst, although Town officials can play a role in requesting or catalyzing actions that are needed.

The format of this report consists of a list of recommendations culled from the Workbook, followed by specific Action Steps, both regulatory and non-regulatory, that can be taken by the Town of Amherst to implement each recommendation. In some cases, alternative measures are suggested that may be considered to meet the desired objectives. The goal is to enable the Town to require or encourage more sustainable forms of development, both at Atkins Corner and elsewhere.

#### *Limitations on Local Control*

In general, those actions that involve the regulation of privately owned land are within the regulatory control of the Town through its Zoning Bylaw and its Rules and Regulations Governing the Subdivision of Land (Subdivision Regulations). However, state law constrains the Town’s ability to control land use and development in a number of important respects. For example, state law restricts local authority to regulate building materials and construction practices, educational uses, and development along existing roads. It precludes instituting very low density or exclusive agricultural zoning to protect areas of open space and farmland.

State law also provides extensive protections (sometimes called “grandfathering rules” or “zoning freezes”) to landowners who may be opposed to changes in zoning. These provisions allow landowners to develop under prior zoning rules after the zoning bylaws have been changed. For this reason, it is helpful to engender the cooperation of the affected

landowners through a collaborative process such as the one undertaken at Atkins Corner. Without the cooperation of the landowners, zoning bylaw changes intended to implement a plan could be circumvented by landowners using these provisions of state law.

While land use is largely under local control, transportation and road design is heavily influenced by state agencies, especially where a state highway (in the case of Atkins Corner, Route 116) is involved. The Town has considerable autonomy in the design of local roads, such as Bay Road and the new village center “main street,” but it cannot make alterations to the state highway without permission from the state. In the case of Atkins Corner, the realignment and redesign of Route 116 (and its intersections with local roads) are essential elements of the Plan, and this issue will need to be negotiated with the state highway department.

This report will focus primary attention on those matters that are within the Town’s control so that the Town can take effective action unilaterally. The report will note where action by other entities may be necessary to achieve the desired results.

## **Implementing the Atkins Corner Plan: Creating Village Zoning**

This section describes alternative ways to implement the Atkins Corner Plan while creating a template for sustainable development in other parts of Amherst

### *Existing Zoning*

The current zoning of Atkins Corner is inconsistent with the proposed plan. Most of the study area is zoned either B-L or R-O. The B-L zone essentially mandates strip commercial development (the recent development on University Drive exemplifies build-out under B-L zoning). The R-O zoning is low density residential. These are both antithetical to the compact, mixed-use community contemplated by the proposed plan. The Workbook shows that if Atkins Corner were built out under the current zoning, there could be just as much development as in the proposed plan, but it would be in an unsustainable sprawl pattern. Without different zoning, Atkins Corner will eventually develop in a manner that directly contradicts the Town’s sustainability goals. Changing the zoning is therefore imperative if the Atkins Corner Plan is to be implemented.

### *Two Approaches to Implementing the Plan: Specific Plans and Generic Bylaws*

There are two basic approaches to implementing the Atkins Corner Plan. One approach is to develop a site-specific bylaw just for Atkins Corner. The other is to create a more generic village district bylaw that could be applied to Atkins Corner as well as elsewhere in the Town. Because the intent of this project is to use Atkins Corner as a model for sustainable development throughout the Town, this section will focus more on the second, more generic approach.

A good model for the first approach is found in California’s use of “specific plans.” These are detailed plans for a given area that covers multiple property ownerships. The usual

sequence is that there is a planning and design process first, culminating in a “specific plan” for the area. That plan is then implemented through a zoning amendment that directly incorporates the plan into the zoning bylaw. There are also parallel revisions made to the Subdivision Regulations where necessary. This is a straightforward and workable approach for designing a specific site, although it has been rarely used in Massachusetts. The Atkins Corner project offers the opportunity to use this approach by designing first, then writing the rules to follow the design, and keying the resulting text to specific plan maps and diagrams which all become part of the zoning bylaw.

#### *Generic Bylaw: Planned Unit Development (PUD) Approach*

If the Town is interested in adopting a generic type of bylaw, it is important in writing the rules to keep in mind that they can be applied outside of Atkins Corner. One way of accomplishing this is through the use of a “PUD” type of mechanism in which the municipality specifies the requirements for the type of village that it would like to see built. The disadvantage of the PUD approach in Massachusetts is that it requires a special permit and normally can only be applied when one or more applicants specifically request it. This makes it difficult for a town to implement a plan for an entire area that is in multiple ownerships, especially where the owners have differing objectives and are operating on different time frames.

#### *Generic Bylaw: Overlay District Approach*

Another approach is to keep the underlying zoning in place and superimpose an “overlay district” upon it. The existing zoning would remain in effect except where the overlay district prescribes conflicting rules. Overlay districts are especially useful in preserving natural resources that cross over zoning district boundary lines and for allowing certain uses that are only permitted in limited areas of a town. However, where the underlying zoning will be changed almost entirely by a proposed overlay district (which is the case in Atkins Corner), it makes little sense to use an overlay district when the simpler tool of a regular zoning district can do the job. Overlay districts add a level of complexity which is not necessary for successful implementation of village zoning.

#### *Generic Bylaw: Zoning District Approach*

The approach recommended in this report is to make the village district part of the basic zoning code (as opposed to a site-specific PUD-type provision). Amherst has a zoning district, Village Center Business (B-VC), which may have been intended to do this. The main problem with this district is that it does not contain the kinds of use and dimensional regulations that are conducive to sustainable development. The lot sizes and setbacks are generally too large and the uses too restricted. If such a district were re-written with different provisions for lot sizes, setbacks, lot coverage, and uses, and with the addition of building type and design standards, it could become the “sustainable village district” that the Town wants to have.

The zoning for the existing town center (B-G) actually comes closest to containing the provisions needed for a sustainable mixed-use village center. With modifications to reduce the scale of development so that it is appropriate for an outlying village, the provisions in

this district could be adapted for use in villages. That is, the B-VC district could be rewritten to retain the scale of a small village while incorporating use and dimensional regulations similar to those in the B-G district.

The Town can thus implement the Atkins Corner Plan by creating zoning district provisions for a village core district along with residential neighborhoods around the core. This could be done either by creating two new zoning districts or by revising the existing B-VC and R-VC districts. Either approach is feasible. The revision of the existing district provisions would have the advantage of a broader impact on the Town as a whole. Such an approach might also create more resistance, however, if people living in the existing B-VC and R-VC districts become concerned about changes to their zoning motivated by the need for appropriate zoning at Atkins Corner and the desire for more sustainable development townwide.

## **Recommendations and Action Steps**

The following recommendations are intended to implement the Workbook's suggestions through the action steps that follow each recommendation. Many of the recommendations, action steps, and their rationales are more fully explained in the Workbook, which should be read together with this section of the report.

Recommendation 1 is the most important and to some degree subsumes all of the others. To avoid repetition, only those action steps that have not been covered in Recommendation 1 are listed under the ensuing recommendations.

**Recommendation 1: Create two “traditional village” zoning districts to implement the Atkins Corner Plan and to consider for broader application townwide. Make parallel changes in Subdivision Regulations, as needed, to implement those recommendations that involve the creation of new streets.**

### **Action Steps:**

- A. Create compact sustainable development village district provisions of two kinds: one for “main street” type development in which business uses predominate and residential uses are on the upper floors of buildings; and the other for “residential neighborhoods,” in which residential uses predominate and non-residential uses are limited. The following two districts would be created (or adapted from the existing zoning classifications):
  - 1. A Village Center district, which is mixed use and functions as a small-scale “main street” area; and
  - 2. A Village Residential district, which is predominantly residential, including a variety of housing types and limited mixed uses.
- B. Incorporate some of the maps and drawings in the Workbook, or a further elaboration of them, into the zoning district regulations to make the district's requirements clearer. Alternatively, the Workbook could be incorporated by reference as a set of guidelines for the Planning Board and applicants to follow for applications within the new districts.

The village districts could be applied in other parts of Amherst without attaching specific maps, but still incorporating the Workbook as a set of guidelines.

- C. To encourage the most appropriate forms of development, allow most uses by right subject to site plan review. A special permit would be required only for those uses and building types, sizes, and configurations that diverge from the Workbook recommendations.
- D. Institute dimensional regulations that are conducive to creating a walkable and pedestrian-friendly public realm including:
  - 1. “Build-to lines” or maximum setbacks to better enclose the street (rather than relying on minimum setbacks alone). The comfortable feeling of a village street results in large part from the enclosure of the streetscape by building facades, which shape the street space and create the sense of being in an “outdoor room.” Minimum setbacks, if too large, can destroy that sense of enclosure by creating too much space between the building and the sidewalk and street. Even if they are not too large, minimum setback standards allow landowners to choose much larger setbacks if they wish. This can also destroy the sense of enclosure. There are two possible zoning solutions: (a) the use of *maximum setbacks* in addition to minimums, or (b) the designation of *build-to lines*, which are specific lines parallel to (or coinciding with) the public right-of-way boundary along which the buildings must line up.
  - 2. Small maximum side setbacks and/or minimum frontage build-out requirements (i.e. minimum percentage of the lot frontage that must be built out facing the street) to effectively enclose the street space.
  - 3. Maximum block perimeters or blockface lengths to increase walkability and street connectivity and to provide alternative pedestrian and vehicular routes. The blockface is the line-up of buildings along each side of a block. Short blockfaces require the use of numerous small streets to separate the short blocks. These encourage walking by offering multiple routes between destinations, adding variety to the streetscape, and dispersing traffic along narrow streets.
  - 4. Maximum building footprint sizes to maintain the “rural village” scale. These could be exceeded by special permit, but only for key “anchor” uses such as the Atkins Farm Market expansion.
  - 5. Minimum heights for buildings to ensure proper street enclosure, along with maximum heights to control density and ensure that the buildings are in scale and do not block views of the Mt. Holyoke Range.
  - 6. Sufficient density to create a critical mass of activity. Consider using a combination of impervious surface coverage and maximum height instead of “units per acre” as a way of regulating density. This makes it simpler to determine how much building is allowed in a mixed-use area (otherwise it is difficult to compare residential and non-residential uses) and encourages the development of smaller, more affordable units since the developer is not required to comply with a limit on dwelling units, but only on the amount of building permitted.
- E. Using the Workbook recommendations as a starting point, develop a set of allowable building “typologies” that are flexible and encourage vertical mixing of uses. Chapter 5 of the Workbook shows a variety of floor plans, sections, and elevations of buildings,

describing what aspects make them appropriate for a village setting. These are the basic types of buildings that would be acceptable at Atkins Corner. Buildings that match these typologies would require only site plan review. Other building types could be allowed by special permit if they satisfy design criteria in the bylaw and have the flexibility to accommodate changing uses. Zoning by building typology (as opposed to by use or architecture) is increasingly recognized as a necessary tool to ensure that the outcome will be appropriate for a village setting.

- F. Require interconnected streets and the creation of an attractive pedestrian-friendly public realm along the street. This would require a combination of zoning bylaw changes and changes to subdivision regulations and recommended public improvements along affected streets. The street sections presented in the Workbook can be incorporated as guidelines or requirements for the creation of new streets and for the modification of existing ones. Where appropriate, alleys should be encouraged for rear access to buildings.
- G. Modify parking requirements to reduce the amount of required parking. In addition, require the following:
  - 1. That all off-street parking be located behind buildings, in the middle of blocks, where it is not visible from the street.
  - 2. That garages be located behind buildings or in other locations where they are not visible from the street.
  - 3. For all non-residential and mixed-use buildings and lots, that public and/or shared parking be provided rather than on-site parking for each lot. Alternatively (or in addition), require interconnections between individual on-site parking lots.
  - 4. That on-street and shared parking count toward parking requirements.
  - 5. That developers can have the bonus of increased build-out if they agree to participate in a transportation demand management program with such features as:
    - (a) encouraging employees and tenants to use buses and bicycles
    - (b) paying employees not to drive to work or to carpool
    - (c) paying part of the costs of operating an enhanced free shuttle bus system that connects Hampshire College and the cultural facilities on the Hampshire campus with Applewood and Atkins Corner, and/or
    - (d) charging separately for employee and tenant parking at a price that reflects at least the real cost of providing parking spaces. This gives employees and tenants the option of saving money by not having a car.
- H. Map the two Village Districts in such a way that all development within them is no more than a 10-minute walk from the center of the Village, from a transit stop, and from public open space or trails.
- I. Require developers to install or pay a portion of the cost of making street and transit improvements on their sites. Offer a density bonus if they will pay for off-site improvements.
- J. Require, in the course of development approval, reservations of land identified as trail corridors in the Town's planning documents, for future use as public trails.



- K. To the extent consistent with state law, require architectural standards such as those shown in the Workbook to achieve architectural harmony and diversity. (State law prohibits regulation of building materials and construction practices, but probably allows regulation of such features as window proportions, roof pitch, and building orientation.) Consider allowing increased density in exchange for complying with a set of “green building” standards described in the Workbook, if Town Counsel determines that such a bonus would be consistent with state law.

**Recommendation 2: Establish a circulation system that maximizes connectivity and encourages pedestrian activity, bicycles, and “park-once” behavior.**

**Action Steps:**

- A. Realign Route 116 and reconfigure the intersection with Bay Road as recommended in the Workbook, in cooperation with the Massachusetts Highway Department.
- B. Require, through the site plan and subdivision approval process, a network of bicycle and walking paths between destinations on the site, also providing connections to Applewood and Hampshire College.
- C. Require, through site plan and subdivision regulations, vehicular connections between parking lots and across property lines.
- D. Require, through the site plan approval process, many pedestrian connections between parking lots and buildings.
- E. Require, through the subdivision review process, that new streets be interconnected. Do not allow permanent cul-de-sacs unless they are unavoidable due to wetlands, streams, or other natural constraints.
- F. Design new streets (through subdivision approval) and redesign existing streets to minimize speeds and maximize pedestrian safety. Use “splitter islands” to narrow pavement and make street crossing safer. (See Chapter 9 of the Workbook for other related traffic-calming recommendations.)
- G. Require in the subdivision regulations that new streets be built according to the street sections in Chapter 9 of the Workbook.
- H. Require, through site plan review, that bike racks, bike lockers, and, at major employment centers, privately maintained shower facilities for bikers be provided to make the use of bicycles as convenient and secure as possible.

**Recommendation 3: Require native vegetation, protective buffer strips for waterways, and street trees.**

**Action Steps:**

- A. Require, through the site plan approval process, the use of native vegetation in all landscaping.
- B. Require, through both site plan and subdivision approval, that protective buffer strips be provided between wetlands/waterways, and buildings, streets, parking lots, and other improvements.
- C. Require, through site plan approval, the installation of street trees as shown in the street sections. Specify minimum volumes of rootable soils to be provided for all street trees. Street trees should be of matching height on either side of the street with matching available rooting areas available rooting areas be matched.
- D. Require, through both site plan and subdivision approval, that shade trees be provided so as to shade 50% of all paved parking areas. This practice has been adopted extensively in California for over 15 years (see City of Davis Shade Tree Ordinance). Studies have demonstrated that pavement shading creates significant microclimate benefits (lowered "heat island" effect) and air quality benefits (lower hydrocarbon emissions from parked cars).

**Recommendation 4: Require stormwater treatment systems that maximize groundwater recharge and natural filtration of stormwater.**

**Action Step:**

- A. Require, through site plan review (and subdivision where appropriate) the use of on-site infiltration, bioswales, and other Low Impact Development management techniques for on-site reduction and filtering of stormwater run-off described in Chapter 10 of the Workbook.

**Recommendation 5: Encourage practical application of the recommendations in the Workbook to the maximum extent possible.**

**Action Steps:**

- A. Adopt portions of the Workbook by the Planning Board as part of its Rules and Regulations to be used in implementing the zoning bylaw, subdivision regulations, in making public improvements (roads, parks, open space, transit, etc.), and as recommendations to private developers on how to build sustainably in Amherst.
- B. If and when the Town adopts a Comprehensive Master Plan, incorporate portions of the Workbook or the entire document by reference into the Comprehensive Master Plan.